

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC
MEDICINE, *et al.*,

Plaintiffs,

V.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Case No. 2:22-cv-00223-Z

MOTION FOR LEAVE TO PROCEED WITHOUT LOCAL COUNSEL

Pursuant to Fed. R. Civ. P. 7, prospective amicus curiae the State of Missouri hereby respectfully moves the Court to waive the requirements of Local Rule 83.10(a) to obtain local counsel who resides or has a principal office located within 50 miles of the courthouse. By separate motion, Missouri has sought leave to file an amicus brief in support of Plaintiffs' Motion for Preliminary Injunction (Doc. 6). Counsel for Plaintiffs consented to the relief sought by this motion, and counsel for Defendants took no position on the relief.

As the motion for leave to file an amicus brief explains, Missouri has a strong interest in this litigation because the FDA’s decision to create a regime of abortion by mail imposes harms that necessarily spill over into Missouri—impeding the operation of state law and drastically increasing the risks faced by Missouri women. The brief seeks to provide this court with information about concessions abortionists have

made in other lawsuits—concessions that illuminate the heightened risks the FDA’s rule imposes on women.

Good cause exists to grant Missouri’s request for a waiver from Local Rule 83.10(a). Missouri plans only to file an amicus brief and accompanying unopposed motion for leave, which this Court will likely decide on the documents without a hearing. Given Missouri’s minimal participation in this case, local counsel would be unnecessary. Should the Court request it, Missouri will attend hearings and obtain local counsel. For the foregoing reasons, Missouri respectfully requests that this Court enter an order waiving Local Rule 83.10(a)’s local counsel requirement for purposes of a motion for leave to file an *amicus curiae* brief.

Dated: February 10, 2023

Respectfully submitted,

ANDREW BAILEY
Attorney General of Missouri

/s/ Joshua M. Divine
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Solicitor General

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CERTIFICATE OF CONFERENCE

I certify that counsel for the proposed amici States have conferred with counsel for Plaintiffs and counsel for Defendants about the relief sought by this motion. Counsel for Plaintiffs consented to the relief sought by this motion, and counsel for Defendants took no position on the relief.

/s/ Joshua M. Divine

JOSHUA M. DIVINE

CERTIFICATE OF SERVICE

I certify that on February 10, 2023, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Joshua M. Divine

JOSHUA M. DIVINE